IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Geoffrey B. Rhoads

Application No.: 10/658,808

Filed: September 8, 2003

For: Method for Increasing the Functionality of
         a Media Player/Recorder Device or an
         Application Program

Examiner: S. Chen

Date: September 2, 2010

Art Unit: 2131

Conf. No.: 1809

Via Electronic Filing

Response to Notification

of Non-Compliant Appeal Brief (37 CFR 41.37)

Mail Stop Appeal Brief – Patents
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

        This paper is responsive to the August 2, 2010 Notification of Non-Compliant Appeal

Brief (37 CFR 41.37). The Notification requested a mapping of the claims to the specification as

filed.

*In the Appeal Brief, please supplement the "Summary of Claimed Subject Matter" with the following:

SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 recites a method for utilizing a title signal contained in digital data through a comparison of the title signal to a player signal stored in a player device, the method comprising [see, e.g., page 4, lines 3-4; see also page 4, lines 9-29]: downloading the digital data having the title signal via an Internet connection, wherein the title signal is carried with digital watermarking encoded in the digital data, in which the digital watermarking is carried in the digital data through alterations to data representing the digital data [see, e.g., page 7, lines 1 and 8-10 and page 4, lines 3-4 and lines 9-14]; transferring the downloaded digital data to the player device [see, e.g., page 5, lines 12-17; page 9, line 16 – page 10, line 7; see also page 63, lines 5-9]; detecting, at the player device, the title signal in the data; comparing the title signal to the player signal, the player device comprises a multi-purpose electronic processor configured as a detector, and said act of detecting utilizes the detector; and comparing the title signal to the player signal; [see, e.g., page 4, lines 3-4, page 9, line 16 – page 10, line 7; see also page 63, lines 5-9]; and performing an action based upon the comparison [see, e.g., page 9, line 16 – page 10, line 7; see also page 63, lines 5-9].

Claim 5 recites the method of claim 4, wherein the digital watermarking contains a copy protection subsignal of a predetermined number of bits, the title signal being a portion of the predetermined number of bits unused by the copy protection subsignal [page 4, lines 15-22; page 15, line 26 – page 16, line 20; page 18, lines 16-28; page 19, line 4 - page 20, line 5; page 28, line 25 – page 30, line 2].

Claim 8 recites the method of claim 7, wherein the consequence is informing the user of the winning of a prize [see, e.g., page 54, lines 24-27; page 74, lines 7-11; page 88, line 5 – 30].

Claim 13 recites the method of claim 1, further comprising encoding the title signal in a time varying manner [see, e.g., page 17, lines 8-15; page 30, lines 19-24; page 38, line 29 – page 39, line 5].

Claim 25 recites a method for utilizing a title signal contained in digital data through a comparison of the title signal to a player signal stored in, or available from, a personal computing device, the method comprising: providing the digital data having the title signal [see, e.g., page 4, lines 3-4; see also page 4, lines 9-29]; detecting, at the personal computing device, the title signal in the data, the personal computing device comprises a configured multi-purpose electronic processor, and said act of detecting utilizes the configured multi-purpose electronic processor [see, e.g., page 4, lines 3-4]; comparing the title signal to the player signal [see, e.g., page 9, line 16 – page 10, line 7; see also page 63, lines 5-9]; and performing an action based upon the comparison [see, e.g., page 9, line 16 – page 11, line 6], in which the player signal expires after a predetermined time such that it is no longer useful for comparison to the title signal [see, e.g., page 19, lines 24-26; see, page 8, lines 20-26; page 9, line 29 – page 10, line 7; page 78, lines 9-16].

Claim 28 recites the method of claim 27, wherein the consequence is informing the user of the winning of a prize [see, e.g., page 54, lines 24-27; page 74, lines 7-11; page 88, line 5 – 30].

Claim 30 recites a method for utilizing a title signal contained in a computer readable set of instructions through a comparison of the title signal to a player signal stored in, or available from, a personal computer, the method comprising [see, e.g., page 4, lines 3-4; see also page 4, lines 9-29; and see page 9, line 16 – page 10, line 7]: providing the computer readable set of instructions having the title signal [see, e.g., page 4, lines 9-15; page 6, lines 7-11; page 44, lines 21-23; and page 63, lines 5-9]; utilizing a configured multi-purpose electronic processor, detecting the title signal in the computer readable set of instructions; comparing the title signal to the player signal [see, e.g., page 4, lines 3-4, page 9, line 16 – page 10, line 7]; and performing an action based upon the comparison in which the action comprises at least informing a computing device user of the comparison or a consequence of the comparison [see, e.g., page 9, line 16 – page 10, line 7; see also page 54, lines 24-27; page 74, lines 7-11; page 88, line 5 – 30].

Claim 33 recites the method of claim 32, wherein the consequence is informing the user of the winning of a prize [see, e.g., page 54, lines 24-27; page 74, lines 7-11; page 88, line 5 – 30].

Claim 39 recites a method for utilizing a title signal contained in a computer readable set of instructions through a comparison of the title signal to a player signal stored in, or available from, a personal computing device [see, e.g., page 4, lines 3-4; see also page 4, lines 9-29; and see page 9, line 16 – page 10, line 7]. The method includes: providing the computer readable set of instructions having the title signal, in which the computer readable set of instructions represents an application program executable by the personal computing device [see, e.g., page 4, lines 9-15; page 6, lines 7-11; page 44, lines 21-23; and page 63, lines 5-9]; detecting the title signal in the computer readable set of instructions, in which the personal computing device comprises a software operating system [see, e.g., page 25, lines 13-15; and see page 44, lines 1-5] for launching the application program, and wherein the act of detecting is performed by the software operating system operating on a multi-purpose electronic processor; comparing the title signal to the player signal; and performing an action based upon the comparison [see, e.g., page 9, line 16 – page 10, line 7; see also page 54, lines 24-27; page 74, lines 7-11; page 88, line 5 – 30].

Claim 43 recites a method for utilizing a title signal contained in digital data to be input into a computer readable set of instructions through a comparison of the title signal to a player signal stored in, or available from, a computing device, in which the computing device comprises a multi-purpose electronic processor, the method comprising [see, e.g., page 9, line 16 – page 10, line 7;: providing the digital data having the title signal; inputting the digital data to the computer readable set of instructions; utilizing the multi-purpose electronic processor configured with the computer readable set of instructions, detecting the title signal in the digital data; comparing the title signal to the player signal [see, e.g., page 3, lines 1-3 and 9-11; page 4, lines 3-8; page 9, line 16 – page 10, line 7;]; and performing an action based upon the comparison, in which the action comprises at least informing a computing device user of the comparison or a consequence of the comparison [see, e.g., page 9, line 16 – page 10, line 7; see also page 63, lines 5-9; see also page

14, lines 7-11; see also page 50, line 28 – page 51, lines 7].

Claim 46 recites the method of claim 45, wherein the consequence is informing the user of the winning of a prize [see, e.g., page 54, lines 24-27; page 74, lines 7-11; page 88, line 5 – 30].

Claim 49 recites a method for utilizing a title signal contained in digital data and a player signal stored in a player device, the player device comprises an a multi-purpose electronic processor, the method comprising: receiving an encrypted [see, e.g., page 14, lines 7-11] title signal at the player device, the encrypted title signal having been encrypted with a private key; utilizing the multi-purpose electronic processor configured as a detector, detecting, at the player device, the title signal in the data; decrypting the encrypted title signal using the player signal as the private key [see, e.g., page 49, lines 6-8; see also page 3, lines 1-3 and 9-11; page 4, lines 3-8; page 9, line 16 – page 10, line 7;]; determining if the result of the act of decrypting results in the title signal [see, e.g., page 49, lines 18-19]; and performing an action based upon the determination [see, e.g., page 9, line 16 – page 10, line 7; see also page 63, lines 5-9; see also page 14, lines 7-11; see also page 50, line 28 – page 51, lines 7].

Claim 52 recites the method of claim 51, wherein the consequence is informing the user of the winning of a prize [see, e.g., page 54, lines 24-27; page 74, lines 7-11; page 88, line 5 – 30].

Of course, additional specification support can be found throughout the application (including the priority patents and applications). Thus, citations to specific page and line numbers are by way of example and should not limit specification support or claim scope.

CONCLUSION AND REQUEST FOR REVERSAL

Appellants respectfully request the Board to reverse the final rejection of the pending claims.

Date: September 2, 2010

Customer No. 23735

Telephone: 503-469-4685
FAX: 503-469-4777

Respectfully submitted,

DIGIMARC CORPORATION

By: /Steven W. Stewart, Reg. No. 45,133/
       Steven W. Stewart
       Registration No. 45,133